

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2012-083 )  
State Ethics Commission, )  
Complainant; )  
vs. ) **DECISION AND ORDER**  
Kenneth B. Hood, )  
Respondent. )  
\_\_\_\_\_ )

RECEIVED  
2012 AUG 20 AM 10:21  
STATE ETHICS  
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on February 23, 2012. On May 16, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Kenneth B. Hood, with a violation of Section 8-13-1110 and probable cause was found.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT**  
**SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Kenneth B. Hood, a Lancaster City council member, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2010 in violation of Section 8-13-1340.

### **FINDINGS OF FACT**

Having carefully reviewed the evidence presented, the Commission finds as fact

1. The Respondent, Kenneth B. Hood, is a member of Lancaster City Council and he is required to file an annual Statement of Economic Interests form (SEI) prior to April 15<sup>th</sup> of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that the City of Lancaster returned its 2010 entity list and Respondent's name was on the list as a member of city council required to file an SEI. Respondent was penalized in a November 8, 2011 letter for failure to file his 2010 SEI and for a late 2009 SEI. That letter was re-sent certified on December 15, 2011 and was delivered on December 17, 2011. On January 5, 2012 Respondent sent a \$100.00 money order. He was informed in a January 6, 2012 letter that the payment satisfied the late 2009 SEI, but that he must still file a 2010 SEI and pay an additional \$100.00. On April 3, 2012 Respondent complied by filing his 2010 SEI. The outstanding late-filing penalty of \$5,000.00 was not paid at that time.

3. Respondent testified that he was a newly elected council member and when he sent the \$100.00 he thought he was correct. He was confused by what he was suppose to do and finally asked the town clerk to look over his SEIs. She confirmed that he wasn't correct and she helped him file on April 3, 2012, both his late 2010 and his 2012 SEI.

### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Kenneth B. Hood, was a public official, as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1110 and 8-13-1140 provide that certain public officials shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

### **DECISION**

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Kenneth B. Hood is in violation of Section 8-13-1110; and therefore, Respondent Kenneth B. Hood is hereby assessed a reduced late-filing penalty of \$300.00 to be paid within 30 days of receipt of the order. If the reduced late-filing penalty of \$300.00 is not paid within 30 days of receipt of the order, then the late-filing penalty will revert to the full amount of \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Kenneth B. Hood has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 15th DAY OF Aug., 2012.

STATE ETHICS COMMISSION

  
\_\_\_\_\_  
PHILLIP FLORENCE, JR.  
CHAIRMAN

COLUMBIA, SOUTH CAROLINA